

Application Serial No. 09/886,169
Response dated: August 27, 2010
Reply to final Office Action dated: May 27, 2010

REMARKS

Claims 1-23 and new claim 24 are pending in the application. Reconsideration and a withdrawal of the rejection are hereby respectfully requested in view of the above amendments and the following remarks.

Claims 1-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dickinson., III et al. (U.S. 6,609,196), in view of Motoyama et al. (U.S. 7,131,070). This rejection is respectfully traversed, and reconsideration of the rejection is respectfully requested.

The Office Action has indicated that Applicant made reference to a decision made by a transfer component without actually transmitting the code to the transfer component. Applicant has considered the rejection and the specification and has amended the claims to more particularly define the invention.

Claim 1 refers to the feature of the transfer component communicating with the proscribed code scanner so that the transfer component interrogates the proscribed code scanner. Claim 20 also has been amended to recite this feature. In addition, claim 1 also recites the decision making capability of the transfer component that the Office Action acknowledges Applicant had previously referred to. The features are presented in claim 1 to more particularly distinguish the invention over the cited references. The amendments are fully supported by the specification, see pars. [0035] – [0037], and no new matter has been introduced. Claim 1 now recites the features of:

exchanging information between said transfer component and said proscribed code scanner whereby said transfer component interrogates

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said proscribed code scanner to obtain processing status information; providing an indicator via said proscribed code scanner and indicating, via said proscribed code scanner returning said indicator to said transfer component, whether said code contains proscribed code; and, without transmitting said code that was transferred to the proscribed code scanner for analysis to said transfer component . . .

wherein said transfer component is configured with instructions to implement transfer of code directly to at least one secondary storage component without transferring code to the proscribed code scanner when said transfer component recognizes information contained in said code that the transfer component uses to make a decision, and wherein the method includes transferring code directly to at least one secondary storage component without transferring code to the proscribed code scanner when said transfer component recognizes information contained in said code to correspond with a proscribed code scanner status for that code.

Applicant's invention is not taught, suggested or disclosed by the cited references.

The Office Action considers the Dickinson policy engine to be a disclosure of Applicant's transfer component and the policy manager to be a disclosure of Applicant's proscribed code scanner. According to some of the Applicant's preferred embodiments, Applicant's invention provides a method that utilizes a transfer component for retrieving the messages from a mail queue and delivering them to a proscribed code scanner for further processing. The stored and forwarded code is handled by the Applicant's method, and the transfer component and proscribed code scanner communicate so the method may carry out the step of transferring said code to at least one secondary storage component based on said indication.

Independent claims 6, 10 and 14 have been amended along the lines of claim 1, to include the features set forth above.

Claim 6 recites the feature of:

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wherein said transfer component is configured with instructions to implement transfer of code directly to at least one secondary storage component without transferring code to the proscribed code scanner when said transfer component recognizes information contained in said code that the transfer component uses to make a decision, and

wherein the method includes transferring code directly to at least one secondary storage component without transferring code to the proscribed code scanner when said transfer component recognizes information contained in said code to correspond with a proscribed code scanner status for that code.

Claim 10 recites a feature similar to claim 6, above, but refers to the secondary
sendmail queue:

wherein said transfer component is configured with instructions to implement transfer of code directly to at least one secondary sendmail queue without transferring code to the proscribed code scanner when said transfer component recognizes information contained in said code that the transfer component uses to make a decision, and

wherein the method includes transferring code directly to at least one secondary sendmail queue without transferring code to the proscribed code scanner when said transfer component recognizes information contained in said code to correspond with a proscribed code scanner status for that code.

Claim 14 recites an apparatus with the similar feature as claim 6, and recites an
apparatus with at least two secondary storage components:

wherein the apparatus is configured with instructions to implement the transfer of code from the transfer component directly to at least one of said first and second secondary storage components without transferring code to the proscribed code scanner when said transfer component recognizes information contained in said code that the transfer component uses to make a decision.

Claim 21 has been amended to recite the step of exchanging information, as set forth
above in claim 1, through the interrogation by the transfer component of the proscribed
code scanner.

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In the present method, the transfer component makes a decision where to send the particular code. This is now recited in claim 1, as indicated above. Dickinson fails to disclose or teach the present invention, as now claimed. The Applicant's transfer component may make a decision, and may send the code to a secondary storage component after the indication from the proscribed code scanner, or, optionally, the transfer component may send the code directly to a secondary storage component (and not send it to the proscribed code scanner).

According to Dickinson, the policy engine 214 is discussed as accepting messages and determining which policies are applicable to a message by building a list 302 of sender policies for the sender (source) and a list of recipient policies for each recipient. The Dickinson policy manager is called to apply the policies. (See col. 4, lines 52-60). The Dickinson policy engine then receives the results from the policy manager.

The present invention would not be disclosed or suggested by Dickinson, as Dickinson provides the policy manager 216, and does not appear to disclose that the policy engine 214 would determine transferring to a secondary storage component, and moreover that the policy engine 214 would transfer the code without the policies being implemented by the Dickinson policy manager 216. This is one reason that Dickinson fails to disclose or suggest the present invention.

In addition, the Dickinson policy engine 214 transmits the messages to SMTP relay module 202. Therefore, Dickinson does not teach or suggest transferring the messages to a storage component. And, if Dickinson were said to teach or suggest that feature (even in combination with a secondary reference), there still would be not

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suggestion or disclosure in Dickinson to have a transfer component make a decision, since the policy manager, policies and policy engine are disclosed to operate in a different manner than the transfer component and proscribed code scanner do in the present invention.

After all, Applicant's method includes transferring code from a storage component to a transfer component. Applicant has amended claim 1 to more particularly define the invention by reciting "providing a computer with a storage component, transferring code, from [[a]] said storage component, to a transfer component . . ." Therefore, although the Office Action has considered the Dickinson relay module 202 to be a storage component, it does agree that Dickinson does not disclose transferring the code to a secondary storage component based on the indication. The implementation of a secondary storage component that the present invention uses in connection with the transfer of code based on an indication is not what Dickinson discloses or suggests.

The Dickinson relay module 202 receives messages from an internal site 210 or external site 212, and it is the relay module 202 to which the messages are transmitted by the policy engine, *not a secondary storage component*. Applicant has further articulated this distinction in the claims by reciting the feature of "providing a computer with a storage component". Therefore, Dickinson, even if the relay 202 is considered a storage component, would not suggest or teach Applicant's invention, since Dickinson would be transferring the code not to a secondary storage component, but rather back to the "storage component". The language of claim 1, and the language that involves the step

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that recites transferring code to the secondary storage component, further distinguishes the present invention over the Dickinson reference.

The Office Action considers that, although Dickinson fails to disclose the transfer of code by the transfer component to a secondary storage component based on an indication, the Motoyama queue of relay MTA would provide this feature, and could be combined with Dickinson to arrive at the present invention. Applicant respectfully disagrees that the references disclose or suggest the present invention.

Motoyama is basically a monitoring system, and its purpose and goal is to monitor a user's usage of a target application and to log that usage, and communicate the logged data. There is not an indication as to making a transfer based on a proscribed code scanner, Motoyama is already set up to relay the user usage. So looking at Motoyama, if applied to Dickinson, would mean that one would be able to determine usage of a target application. This would appear to be a horizontal integration that the Office Action is suggesting, which would add something to Dickinson, to determine usage (if that could even be done), rather than implementing a vertical integration where the steps of Dickinson would be changed to a particular destination, such as, a secondary storage component (instead of the relay 202, which would be the same storage component and not a secondary storage component). It does not appear that combining what Motoyama stands for and discloses with Dickinson would arrive at the Applicant's presently claimed invention.

In reading Motoyama, in particular, the passage at col. 10, lines 15-48, cited in the Office Action, there is a disclosure of message transfer agents (MTA) which are not what

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Applicant provides for transferring its code to a secondary storage component.

Motoyama's MTA's appear to be used as a relay for a particular machine or component, and in the disclosure of Motoyama, the MTA's deliver the code. That is already doing what Dickinson does with its relay 202, and, unlike the Applicant's claimed invention, neither Motoyama, nor Dickinson, provides a transfer of the code according to an instruction from an indication of a proscribed code scanner, to place the code in a secondary storage component, as is claimed by Applicant.

So, even considering both references, the option that Applicant's invention provides, namely, using the indication to provide the mail to a secondary storage component, is not taught, suggested or disclosed by the cited references. Applicant has considered the Motoyama reference, which the Office Action contends discloses this, but does not find Motoyama doing that. What Motoyama discloses is that mail to be transmitted and received may be queued in a queue of mail 330 of the relay MTA 328. (See col. 10, lines 33-34) There is no disclosure to change the mail from one queue to another queue, and, rather, if Motoyama teaches anything at all relevant to what is being done in Dickinson, it would be transferring based on the recipient or sender that is to receive the usage data, and not something contained in the code. The transfer relied on in Motoyama is a transfer that is specific to the receipt of user usage of target programs, and not simply a disclosure that would lead to the Applicant's invention, even if combined with Dickinson.

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Considering the references and the proposed combination thereof, the present invention, as recited in the pending claims, is not disclosed or suggested and should be patentable.

In addition, the present invention would appear to provide a method that is different than what Dickinson discloses, in particular, when the passage of Dickinson cited in the office action is considered. Applicant's disclosure provides that the transfer component may transfer code to a secondary storage component based on certain header information (see spec. at [0037]). New claim 24 has been added to more particularly recite this feature. No new matter has been introduced.

According to Dickinson, there is no disclosure or suggestion to do what Applicant's method does, which is to transfer the code to a secondary storage component even where the mail is to be delivered. Dickinson transmits messages to SMTP relay module. Since Applicant recites a storage component as well as a secondary storage component, and Dickinson recites an SMTP module, there is a difference between Applicant's method and the method disclosed in Dickinson.

According to the present invention, the transfer component of the present invention may operate to make a decision, based on the code received, whether to send the code to the proscribed code scanner, or whether to send the code to a destination (e.g., the recited second storage component).

Dickinson would appear to have the policy manager 216 apply the policy and the policy engine 214 is disclosed as calling the policy manager 216 to apply the policies. So, although the office action attempts to equate the policy manager 216 and policy

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engine 214 of Dickinson to disclose Applicant's claimed method, the reference does not support that.

Therefore, the present invention would not be taught or disclosed by Dickinson, where the transfer component may make determinations, based on information received by the transfer component, that the code received (transferred from a storage component) should be transferred to a secondary storage component. In addition, the present invention provides a method where a transfer component may implement transfer of code directly to at least one secondary storage component without transferring code to the proscribed code scanner when said transfer component recognizes information contained in said code that the transfer component uses to make a decision. (See par. [0037]) Applicant has amended claim 1 to recite this feature in order to further distinguish the invention over Dickinson (and has amended claims 6, 10 and 14, as discussed above).

Applicant has also amended claim 1 (and claim 20) to set forth that the transfer component interrogates the proscribed code scanner. This appears to be another feature that distinguishes the present invention over Dickinson. Dickinson fails to disclose or suggest the feature of Applicant's present invention where the transfer component (what the office action considers to be the Dickinson policy engine), interrogates the proscribed code scanner (what the office action considers to be the policy manager in Dickinson). Dickinson also does not provide a method where the policy engine would undertake to direct the transfer of the code to the secondary storage component. These features are both recited in claim 1. Applicant discusses an embodiment of this feature with regard to a header that is identified by the transfer component, where the code may not need to be

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transmitted to the proscribed code scanner. That embodiment is now recited in new claim 24 (which depends from claim 1). New claim 24 is not taught, suggested or disclosed by the cited references.

Dickinson discloses the policy manager, which is what the Office Action considers is a disclosure of Applicant's proscribed code scanner, and not the policy engine (what the Office Action considers to be Applicant's transfer component), to carry out the policies on message header information, through the access manager 218 of the policy manager 216. Therefore, the present invention, as recited in the preferred embodiment in claim 1 (and in claims 6, 10 and 14), and in new claim 24 where the transfer component itself is configured to implement a decision based on the header by not providing the code to the proscribed code scanner (the Dickinson policy manager according to the Office Action), but rather, by providing the code to a secondary storage component, is not disclosed or taught by the cited references. In fact, a further distinction is that Dickinson would provide the code to a SMTP relay 202, and not even the secondary storage component that Applicant's method recites and claims.

It would appear that Dickinson's method performs something other than what the Applicant discloses and claims. Dickinson does not disclose the method where the components function in the manner as claimed by Applicant in the present method.

Aside from lacking the above disclosure and teachings, Dickinson also fails to disclose the secondary storage component that Applicant recites in claim 1, which sets forth the step of transferring said code to at least one secondary storage component based on said indication. Although the Office Action considers Dickinson, at col. 5, lines 35 -

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43, to disclose queues that the Office Action considers to be storage components, that method involves the policy managers (the access manager 218), and not, as the Office Action indicates, a transfer component that would receive an instruction from the proscribed code scanner (considered to be the Dickinson policy manager). Dickinson appears to disclose providing the code to the SMTP relay 202, and not a secondary storage component, as claimed by the Applicant, which is a destination for the code.

For these reasons, the present invention is not taught, suggested or disclosed by the cited references.

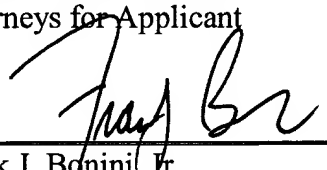
Accordingly, for the above reasons, Applicant's present invention is not obvious in view of the cited references. Reconsideration and a withdrawal of the rejection is respectfully requested.

If necessary, an appropriate extension of time to respond is respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required to Patent Office Deposit Account No. 05-0208.

Respectfully submitted,
HARDING, EARLEY, FOLLMER & FRAILEY
JOHN F. A. EARLEY III
FRANK J. BONINI, JR.
Attorneys for Applicant

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Frank J. Bonini, Jr.
Registration No. 35,452
P.O. Box 750
Valley Forge, PA 19482-0750
Telephone: (610) 935-2300